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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/257,209	02/25/1999	KATSUHIRO OCHIAI	040447-0186	1872

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EXAMINER

CHUNG, JASON J

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/257,209

Applicant(s)

OCHIAI, KATSUHIRO

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7, 9, 28, 29, 35-38 have been considered but are moot in view of the new ground(s) of rejection.

The applicant states on page 8, lines 4-6 of the amendment that each apparatus in Iwamura's system does not store information as to the entire connectivity of the network of which the apparatus is part thereof. Those arguments are not persuasive because the applicant does not claim them.

Applicant argues, "each of plural types of video apparatuses inquires about the states of other video apparatuses to network management apparatus".

The examiner respectfully disagrees. The states of all the devices are reported in the self-ID packet; in particular "port status bits"(column 5, lines 30-32), and each self-ID packet are transmitted from each node to the IRD. When a device, for example DVD player is selected to record to DVCR 1, the command is transmitted to the network management apparatus. The network management apparatus determines the states of DVCR based on the "port status bits" included in the self-ID packet, and thus provides a connection from the DVD player to the DVCR1. As a result, the DVD player of video apparatus inherently inquires about the status of the second video apparatus or DVCR1.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-10, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamura.

Regarding claim 5, Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which store broadcasts and are plural types of video apparatuses connected to a network. Iwamura discloses a TV/Audio 906, which displays broadcasts (figure 10). Iwamura discloses a network (column 3, lines 2-6). Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the network management apparatus connected to a network. Iwamura discloses a computer storing the identification packets that corresponds to the port status bits (column 5, lines 25-32), which is the same as storing the states of plural types of video apparatuses. Iwamura discloses a user inquiring about a video apparatus and the video apparatus will transmit the state to the topology map, which is the same as plural types of video apparatuses transmitting their states to the network management apparatus (column 9, lines 1-12). Since the user inquires about the state of a video apparatus, Iwamura inherently discloses each of the plural types of video apparatuses inquiring about other video apparatuses to the network management apparatus because all the video apparatuses are connected to the network management apparatus. The user can then decide to record video that is playing from one video apparatus into another video apparatus (column 8, lines 39-42), which is the same as determining a video apparatus to be a communication partner. Iwamura discloses during the IEEE1394 bus initialization phase, the PHY 224 will automatically initiate bus initialization phase if the connection status of any port changes (column 4, lines 55-67 and column 5, lines 1-5). Iwamura discloses NOPORT

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(abnormally operating state) indicates that there is no port present on this PHY, UNCONN (currently available and operating normally) indicates the particular port not connected to any other PHY, and the term parent identifies (currently operating and unavailable) the parent node and child identifies (currently operating and unavailable) and child node (column 5, lines 34-51; figure 5); the terms parent and child denote a current connection between devices. Iwamura additionally discloses the status of each apparatus in figure 8, which describes the connections of figure 1 (column 7, lines 47-65).

Regarding claim 6, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10).

Regarding claim 7, the limitations on claim 7 have been covered in claim 5 rejection.

Regarding claim 8, the limitations on claim 8 have been covered in claim 4 rejection.

Regarding claim 9, the limitations on claim 9 have been covered in claim 5 rejection.

Regarding claim 10, the limitations on claim 10 have been covered in claim 4 rejection.

Regarding claim 28, Iwamura discloses a digital satellite system integrated receiver decoder 905 (figure 10 and column 8, lines 34-35), which is the same as a broadcast receiving apparatus and component. Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which store broadcasts. Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the managing component. Iwamura discloses an IEEE 1394 network for connecting the previously disclosed components (column 3, lines 20-33). The limitation for broadcast storing components sending states to the managing component has been covered in claim 1 rejection. The limitations for the managing component storing states have been covered in claim 1 rejection. Iwamura

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discloses the user retrieving device information by pressing an INFO button, then the DSS IRD (receiver) sends information to the storing device to display information (states) on the selected storing device to be displayed on the topology map (column 8, line 66-column 9, line 12), which is the same as a broadcast receiving component selecting one or more broadcasts from broadcast storing components on the basis of the states obtained from the network. Iwamura discloses NOPORT (abnormally operating state) indicates that there is no port present on this PHY, UNCONN (currently available and operating normally) indicates the particular port not connected to any other PHY, and the term parent identifies (currently operating and unavailable) the parent node and child identifies (currently operating and unavailable) and child node (column 5, lines 34-51; figure 5); the terms parent and child denote a current connection between devices. Iwamura additionally discloses the status of each apparatus in figure 8, which describes the connections of figure 1 (column 7, lines 47-65).

Regarding claim 29, the limitations on claim 29 have been covered in claim 28 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura in view of Van Steenbrugge.

Regarding claim 1, Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which store broadcasts and are plural types of video apparatuses connected to a network. Iwamura discloses a TV/Audio 906, which displays broadcasts (figure 10). Iwamura discloses a network (column 3, lines 2-6). Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the network management apparatus connected to a network. Iwamura discloses a computer storing the identification packets that corresponds to the port status bits (column 5, lines 25-32), which is the same as storing the states of plural types of video apparatuses. Iwamura discloses a user inquiring about a video apparatus and the video apparatus will transmit the state to the topology map, which is the same as plural types of video apparatuses transmitting their states to the network management apparatus (column 9, lines 1-12). Since the user inquires about the state of a video apparatus, Iwamura inherently discloses each of the plural types of video apparatuses inquiring about other video apparatuses to the network management apparatus because all the video apparatuses are connected to the network management apparatus. The user can then decide to record video that is playing from one video apparatus into another video apparatus (column 8, lines 39-42), which is the same as determining a video apparatus to be a communication partner. Iwamura discloses during the IEEE1394 bus initialization phase, the PHY 224 will automatically initiate bus initialization phase if the connection status of any port changes (column 4, lines 55-67 and column 5, lines 1-5).

Iwamura fails to disclose video apparatuses inquiring about the states of other video apparatuses without user input. Van Steenbrugge discloses automatic (without any user input) priority system for signal paths so that the user is not unnecessarily troubled with decision-

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making on signal paths to established and signal paths to be canceled (column 2, lines 15-28). Van Steenbrugge discloses videocassette recorders 42, 44, compact disc video players 46,58, video monitors 54, 56, TV apparatus 42; each of the devices has a control device (column 4, lines 60-68 and column 5, lines 1-9). Van Steenbrugge discloses the control devices are attached to a single path control bus 60 (column 5, lines 10-18; figure 2). Van Steenbrugge discloses the signal interconnection commands Connect and Select are used which may be connected to another switchbox subdevice or it may be connected via one or more switchboxes in between (column 6, lines 63-68 and column 7, lines 1-8). Van Steenbrugge discloses the connected to switchbox request and connected to switchbox request investigates (a video apparatus to be a communication partner) the other subdevice and plug on the subdevice it has current signal interconnections (on the basis of other states) (column 7, lines 35-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura to have communication without user input as taught by Van Steenbrugge in order to give the user less unnecessary trouble with decision making on signal paths.

Regarding claim 2, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10).

Regarding claim 3, the limitations on claim 3 have been covered in claim 1 rejection. However, claim 1 says the states are obtained from network management apparatus, whereas in claim 3, the states are obtained from other video apparatuses. Iwamura discloses video devices communicating by having signals flowing between one another, which is the same as a video apparatus determining a communication partner based on the states of other video apparatuses obtained from other video apparatuses (column 8, lines 57-65).

Regarding claim 4, the limitations on claim 4 have been covered in claim 2 rejection.

Regarding claim 35-36, Van Steenbrugge discloses the CDV repeatedly repeats the question until “connected” or “not connected” is received (column 7, lines 57-68). Van Steenbrugge discloses the “Connected” (currently available resource being communicated not including other resources) or “not connected” and if applicable any existing interconnections are left active (column 8, lines 1-45).

Regarding claims 37-38, the limitations in claims 37-38 have been met in claims 35-36 rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

JJC
March 6, 2003



VIVEK SRIVASTAVA
PATENT EXAMINER